

The Bulletin of:
THE COMMITTEE FOR ACTION/RESEARCH
ON THE INTELLIGENCE COMMUNITY

Citizens Sue CIA

The Intelligence Community has always maintained a shield of secrecy around its internal operations and structure. The Central Intelligence Agency, for example, exists under a charter that is so highly classified that the Senators and Representative charged with approval of the CIA's budget have no idea of what the charter contains, or even how much money they grant to the CIA annually.

The illegality of maintaining a secret budget has created Congressional concern in the wake of revelations that the CIA was involved in domestic political affairs. The public and the Congress now know that the CIA provided equipment used by Watergate figures for partisan political intelligence activity, and the revelations have increased the public pressure for more public knowledge of CIA operations and finances.

During the hearings held on the confirmation of William E. Colby as the Director of Central Intelligence, Sen. John Stennis (D-Miss), the Chairman of the Senate Armed Services Committee, issued a statement from his hospital bed calling for a review of the CIA Act and the CIA's charter. When the Armed Services Committee does hold its hearings, there is little evidence that they will not follow the pattern of other hearings concerning the CIA and the Intelligence Community. The public will be barred from the sessions, and any transcript made public will be noteworthy only for the number of deletions.

Forcing the CIA to publicly reveal its budget became one force behind a lawsuit filed by civil rights attorney William Higgs and his co-plaintiff, Loren Weinberg, an instructor at the Federal City College in Washington, D.C. Higgs and Weinberg have filed their suit against a cross section of the government bureaucracy, and hope to force the courts to rule on two important constitutional questions and one statutory question.

The defendants in the case are:

William E. Colby, who in his role as the Director of Central Intelligence, is responsible for the expenditure of CIA money and for CIA operations.

George P. Schultz, the Secretary of the Treasury. Schultz is legally charged with the publication of the budgets of all government agencies.

David Mosso, the Commissioner of Accounts for the Department of Treasury, legally charged with the preparation of the budgets for publication.

Roy Ash, the former President of Litton Industries and now the Director of the Office of Management and Budget.

Casper Weinberger, the Secretary of Health, Education and Welfare, one of the government agencies that hides CIA appropriations within their budgets.

The Higgs-Weinberg case is a two pronged attack against the Intelligence Community. In addition to the questions of budget, the suit also seeks injunctive relief to prevent the CIA from engaging in unauthorized clandestine foreign wars, and to stop CIA domestic operations. The questions of the budget and the conduction of acts of war not authorized by Congress are clear Constitutional questions. The use of the CIA for domestic operations is a clear violation of the 1947 National Act, and is the primary statutory question involved in the suit.

The moves to seek injunctive relief from clandestine foreign wars and domestic operations are the major differences between the Higgs-Weinberg case and a suit filed by William Richardson, of Greenburg, Pennsylvania.

The Richardson suit is directed only against the Secretary of the Treasury and the Commissioner of Accounts, and is a taxpayers suit to force a release of a budget figure for the CIA. Richardson's suit does not call for a line by line breakdown of CIA expenditures, nor does it raise any of the concerns of illegal domestic and foreign operations.

The Higgs-Weinberg case is being conducted before U.S. District Court Judge William Bryant, described in a recent Washingtonian magazine article as being "... exceptional, although a bit slow to reaching a decision." Judge Bryant has been very slow in the Higgs-Weinberg case, he has yet to force the government to reply to interrogatories filed by the plaintiffs on October 15, 1972.

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For Action/Research
on the Intelligence
Community

CIA 1.01 Colby, William E.

CIA 2.04.1

Stennis, John

Higgs, William

Weinberg, Loren

Richardson, Wm.

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